

# REGULATION

<b>SPDOC No:</b> 07-14	<b>Effective Date:</b> October 7, 2007	<b>Index Reference:</b> Regulations	<b>Regulation Number:</b> <b>1.01</b>
<b>Issued By:</b> Executive	<b>Rule Reference:</b> Rule: 1-3 (Regulations and Advisories)		<b>Replaces:</b> Reg. 1.01 (SPDOC 03-29, March 18, 2001)
<b>Authority:</b>	Regulations are issued by the State Personnel Director under authority granted in the Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations are subordinate to the Commission Rules.		
<b>Subject:</b>	<b>ISSUANCE OF CIVIL SERVICE REGULATIONS</b>		

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## 1. PURPOSE

This regulation (1) defines basic terms (**rule**, **regulation**, and **advisory**) and (2) prescribes a procedure for issuing Civil Service regulations.

## 2. CIVIL SERVICE COMMISSION RULE REFERENCE

Note: This Section 2 reprints only selected Commission Rules for quick reference by the reader. Additional Rules (that are not reprinted below) may apply. The complete, current version of the Rules can be found at [www.michigan.gov/mdcs](http://www.michigan.gov/mdcs).

### ***Rule 1-3 Regulations and Advisories***

*The state personnel director is authorized to issue regulations and advisories that the director deems to be necessary or useful. A regulation issued by the state personnel director is binding unless the commission finds that the regulation violates a rule. An advisory does not have the force and effect of law and is not binding. The state personnel director shall make all regulations and advisories available to employees through their personnel offices and the internet.*

## **3. DEFINITIONS**

### **A. Civil Service Commission Rule Definitions**

1. **Advisory** means a written statement issued by the civil service commission, state personnel director, or other civil service staff to provide direction, clarification, or other necessary or useful information.
2. **Regulation** means a formal, general written enactment issued by the state personnel director that: (1) exercises, implements, or applies powers granted to the director in article 11, section 5, of the constitution; (2) exercises, implements, or applies powers granted to the director or civil service staff by civil service rule; or (3) prescribes the procedures or practices of the civil service staff.
3. **Rule** means a statement of general applicability approved by the civil service commission and published by the state personnel director that (1) exercises, implements, or applies powers granted in article 11, section 5, of the constitution, or (2) prescribes the procedures or practices of the civil service commission or civil service staff. A rule has the force and effect of law unless a court of competent jurisdiction determines that the rule is unconstitutional or otherwise contrary to law.

### **B. Additional Definitions as used in this Regulation**

1. **Contested case** means a proceeding in which a determination of the legal rights, duties, or privileges of a named party is required by the constitution or rule to be made by the Civil Service Commission, State Personnel Director, or Civil Service staff after an opportunity for an evidentiary hearing. Contested case includes the following:
  - (a) A grievance by a classified employee alleging a violation of a rule or regulation by an appointing authority that has been timely filed with the employer and timely appealed to Civil Service.
  - (b) An unfair labor practice charge that has been timely filed.

## **4. STANDARDS**

### **A. Notice of Proposed Regulation.**

The State Personnel Director shall give public notice of any proposed regulation or material amendment to a regulation to the Civil Service Commission, the Office of

the State Employer, appointing authorities, and recognized employee organizations, at least 14 days before the proposed effective date. Any interested person may request a copy of the proposed regulation and may comment in writing on the proposal.

**B. Issuance of Regulation: Effective Date.**

After review of any comments, the State Personnel Director may issue the regulation as proposed or as revised. A regulation is issued when the regulation has been approved by the State Personnel Director and published by Civil Service. The regulation is effective on the date issued or any later date authorized by the State Personnel Director.

**C. Emergency Regulation.**

If the State Personnel Director determines that the efficient and orderly administration of the classified service requires issuance of a regulation without the notice required in standard A., the State Personnel Director may immediately issue such regulation without prior public notice or opportunity for comment.

**D. Notice to Commission.**

The State Personnel Director shall place on the agenda of the Civil Service Commission a notice of each regulation issued since the last meeting. Commission action is not required. However, the Commission may act to amend or repeal a regulation at any time without notice.

**E. Publication of Regulations.**

The State Personnel Director shall number, organize, compile, certify, and publish all regulations. The regulations must be provided to the Office of the State Employer, all appointing authorities, and all employee organizations. Appointing authorities shall make all Civil Service rules and regulations available to classified employees. The regulations must be available to the public and may be published in electronic form.

**F. Severability.**

Each provision of these regulations is severable. Therefore, if a court of competent jurisdiction or the Civil Service Commission finds that any provision of a regulation is invalid or unenforceable, every other provision not found invalid or unenforceable remains valid and enforceable.

**CONTACT**

Questions regarding this regulation should be directed to the Office of the General Counsel, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; or by telephone at (517) 373-3024.